(19,679.)

# SUPREME COURT OF THE UNITED STATES.

## OCTOBER TERM, 1905.

## No. 211.

HENRIETTA S. CHRISTOPHER AND JOHN G. CHRISTOPHER, PLAINTIFFS IN ERROR,

*vs.*

JOSEPH W. NORVELL, RECEIVER OF THE FIRST NATIONAL BANK OF FLORIDA.

IN ERROR TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE FIFTH CIRCUIT.

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a UNITED STATES OF AMERICA, }
Fifth Judicial Circuit. }

Pleas and proceedings had and done at a regular term of the United States circuit court of appeals for the fifth circuit, begun on the third Monday of November, 1904, and held in the courtroom of said court, in the city of New Orleans, before the Honorable Don A. Pardee, the Honorable A. P. McCormick, and the Honorable David D. Shelby, United States circuit judges for the fifth circuit.

HENRIETTA S. CHRISTOPHER ET AL., Plaintiffs in Error, }
*versus* } No. 1414.
JOSEPH W. NORVELL, Receiver, Defendant in Error. }

Be it remembered, that heretofore, to-wit: on the 26th day of September, 1904, a transcript of the record of the above styled cause from the circuit court of the United States for the southern district of Florida, was filed in the office of the clerk of said United States circuit court of appeals, for the fifth circuit, in the words and figures following, to-wit:

1 Caption.

Be it remembered, that at a term of the circuit court of the United States in the fifth circuit thereof, and in and for the southern district of Florida, begun and holden at Jacksonville, Florida, on the 7th day of December, 1903, and not yet adjourned, the Honorable James W. Locke, United States district judge, for the southern district of Florida, presiding, the following proceedings were had and the following case came on for trial and was tried, to-wit:

JOSEPH W. NORVELL, as Receiver of the First National Bank of Florida, a Corporation under the Laws of the United States of America, }
*vs.* } No. 251. At Law.
HENRIETTA S. CHRISTOPHER and JOHN G. Christopher, Her Husband. }

Damages, $3,000.00.

Precipe and Appearance.

In the Circuit Court of the United States, Southern District of Florida.

JOSEPH W. NORVELL, as Receiver of the First National Bank of Florida, a Corporation under the Laws of the United States of America,

*vs.*

HENRIETTA S. CHRISTOPHER and JOHN G. CHRISTOPHER, Her Husband.

Damages, $3,000.00.

The clerk of said court will please issue summons *ad respondendum*, directed to the defendants, Henrietta S. Christopher and John G. Christopher, her husband, in the above entitled cause, returnable to the rule day in course, to-wit: July 6th, 1903.

D. U. FLETCHER,
Plaintiff's Attorney.

Please enter our appearance for defendants at July rule day, waiving issuance and service of process.

H. H. BUCKMAN,
Att'y for Defendants.

2 (Indorsed:) In circuit court, United States, southern district of Florida. Joseph W. Norvell, receiver, *vs.* Henrietta S. Christopher *et al.* Precipe for summons. Filed June 10, 1903. E. O. Locke, clerk. By E. D. Dodge, deputy clerk. Duncan U. Fletcher, attorney for plaintiff.

Declaration.

In the Circuit Court of the United States, Southern District of Florida.

JOSEPH W. NORVELL, as Receiver of the First National Bank of Florida, a Corporation under the Laws of the United States of America,

*vs.*

HENRIETTA S. CHRISTOPHER and JOHN G. Christopher, Her Husband.

No. 251. At Law.

Damages, $3,000.00.

Declaration.

The plaintiff, Joseph W. Norvell, as receiver of the First National Bank of Florida, a corporation organized under the laws of the

United States of America, by D. U. Fletcher, his attorney, sues the defendants, Henrietta S. Christopher and John G. Christopher, her husband, of Duval county, Florida, for that the said The First National Bank of Florida was duly incorporated and organized under the laws of the United States, and on, to-wit: March 14th, 1903, became and was insolvent, and the plaintiff, Joseph W. Norvell, was duly appointed by the Comptroller of the Currency receiver of the said bank and to collect the assets of the said The First National Bank of Florida, under and in pursuance of the laws of the United States of America in relation to national banks, on to-wit: the 14th day of March, A. D. 1903, and that the plaintiff aforesaid took possession of the property and assets of the said First National Bank of Florida thereupon and the books and records thereof, and the said defendant, Henrietta S. Christopher, was and is owner of fifteen (15) shares of stock of the said The First National Bank of Florida, the same standing in her name upon the books of said bank; that the — Henrietta S. Christopher is a married woman, wife of the said John G. Christopher, and was at the time she acquired the said shares of stock; that on, to-wit: April 1st, 1903, an assessment
3 upon and requisition of the shareholders of the said First National Bank of Florida was levied and made upon each and every one of them, for one hundred dollars upon each and every share of the capital stock of said association held and owned by them, respectively, at the time of its failure, by the Comptroller of the Currency, in pursuance of sections 5151 and 5234 of the Revised Statutes of the United States, in words and figures following to-wit:

Assessment upon Shareholders.

In the Matter of the FIRST NATIONAL BANK OF FLORIDA, Jacksonville, Florida.

TREASURY DEPARTMENT,
OFFICE OF THE COMPTROLLER OF THE CURRENCY,
WASHINGTON, D. C., April 1, 1903.

To all whom it may concern:

Whereas, upon a proper accounting of the receiver heretofore appointed to collect the assets of the "The First National Bank of Florida," Jacksonville, Florida, and upon a valuation of the uncollected assets remaining in his hands, it appears to my satisfaction that in order to pay the debts of such association it is necessary to enforce the individual liability of the stockholders therefore to the extent hereinafter mentioned, as prescribed by section- 5151 and 5234 of the Revised Statutes of the United States.

Now, therefore, by virtue of the authority vested in me by law, I do hereby make an assessment and requisition upon the shareholders of the said "The First National Bank of Florida," Jacksonville, Florida, for fifty thousand dollars, to be paid by them ratably on or before the first day of May, 1903, and I hereby make demand upon

each and every share of the capital stock of said association held or owned by them, respectively, at the time of its failure; and I hereby direct Joseph W. Norvell, the receiver heretofore appointed, to take all necessary proceedings, by suit or otherwise, to enforce to that extent the said individual liability of the said shareholders.

In witness whereof, I have hereunto set my hand and caused my seal of office to be affixed to these presents, at the city of Washington, in the District of Columbia, this first day of April, A. D. 1903.

[SEAL.] T. P. KANE,
Deputy and Acting Comptroller of the Currency."

That, in pursuance of the said levy and assessment, the
4 plaintiff made demand for the payment of the same upon all the shareholders of the said The First National Bank of Florida and on the defendant, Henrietta S. Christopher, as follows:

"Office of the Receiver of the First National Bank of Florida,
Jacksonville, Florida.

You will please take notice, that the Comptroller of the Currency has levied an assessment upon the stockholders of the First National Bank of Florida, Jacksonville, Florida, of one hundred dollars ($100) a share, payable at the office of the receiver, on or before May 1, 1903. The receiver is, however, authorized by the Comptroller to grant an extension, without interest, to shareholders who pay 25% of the assessment on or before that date, and who will give a written obligation, satisfactorily guaranteed, to pay 25 % additional on or before June 1, 1903; 25 % on or before July 1, 1903; and the remaining 25 % on or before August 1, 1903.

You are therefore requested to pay the assessment of 15 shares of stock standing in your name, in accordance with the foregoing order and this notice, or suit will be enforced to enforce payment.

JOS. W. NORVELL,
Receiver First National Bank of Florida,
Jacksonville, Florida.

To Mrs. Henrietta S. Christopher, Jacksonville, Fla."

That the said defendant, Henrietta S. Christopher, and said John G. Christopher have refused and failed, and each of them has, to pay said assessment or any portion thereof and to comply with the demands of the plaintiff in any respect whatever, and the plaintiff says the defendant, Henrietta S. Christopher, is indebted to him in the sum of fifteen hundred dollars ($1500) with interest thereon from April 1st, 1903, at the rate of eight per cent. per annum, by reason of said assessment and under and in pursuance of the acts of Congress in this behalf, and therefore he brings this suit, and the plaintiff, Joseph W. Norvell, as receiver aforesaid, claims $3,000 damages.

2. And the plaintiff further sues the defendants for money found to be due from the defendants to the plaintiff, upon account then

and there stated between them, and the plaintiff claims three thousand dollars damages.

DUNCAN U. FLETCHER,
Plaintiff's Attorney.

(Indorsed:) In circuit court United States, southern district of Florida. In — Joseph W. Norvell, receiver, *vs.* Henrietta S. Christopher *et al.* Declaration. D. Filed June 12, 1903. E. O. Locke, clerk, by E. D. Dodge, deputy clerk. Duncan U. Fletcher, attorney for complainant.

5

Demurrer.

In the Circuit Court of the U. S., Southern District of Florida.

JOSEPH W. NORVELL, as Receiver of the First National Bank of Florida,
*vs.*
HENRIETTA S. CHRISTOPHER ET AL.

And now comes the defendants and demur to the declaration herein, and say that the same is bad in substance and in form, and for cause of demurrer, and for points of law to be argued, say:

1. That it appears upon the face of the said declaration that said suit is a common law proceeding against the said Henrietta S. Christopher, who is shown therein and thereby, to be a married woman under coverture, and that under the constitution and the laws of the State of Florida, this court has no jurisdiction or power to render any judgment in this cause against the said defendants for the matters of this suit, and defendants pray to be dismissed with their reasonable costs in this behalf sustained.

H. H. BUCKMAN,
Defendants' Att'y.

I hereby certify that in my opinion the foregoing demurrer is well founded in points of law.

H. H. BUCKMAN,
Defendants' Att'y.

STATE OF FLORIDA,
County of Duval.

Personally appeared before me John G. Christopher, who being duly sworn, says that he is one of the defendants in the above cause named and that the foregoing demurrer is not interposed for delay.

JNO. G. CHRISTOPHER.

6

Sworn to and subscribed before me this 1st day of September, A. D. 1903.

FREDICK SEELY,
Notary Public for the State of Florida at Large.

Commission expires Sept. 14th, 1904.

(Indorsed:) In the circuit court of the U. S., southern district of Florida. Joseph W. Norvell, as receiver of the First National Bank, *vs.* Henrietta S. Christopher *et al.* Demurrer.

Plaintiff consents to filing this demurrer to-day, its having been overlooked by mistake yesterday, Sept. 8th, 1903. D. U. Fletcher, plaintiff's att'y.

Filed Sept. 7th, 1903. E. O. Locke clerk, by E. D. Dodge, deputy clerk. H. H. Buckman, defendants' att'y.

Ruling on Demurrer.

In the Circuit Court of the United States in and for the Southern District of Florida.

J. W. NORVELL, Receiver, etc.,
*vs.*
HENRIETTA S. CHRISTOPHER ET AL.

This cause coming on to be heard upon the demurrer to the declaration, and having been fully heard and duly considered, it is ordered that said demurrer be overruled; and the defendants have until the rule day of December to further plead as advised.

Jacksonville, Fla., November 14th, 1903.

JAMES W. LOCKE, Judge.

(Indorsed:) U. S. circuit court, so. district of Florida. Jos. W. Norvell, as receiver, *vs.* Henrietta S. Christopher. Order overruling demurrer. Filed Nov. 14, 1903. E. O. Locke, clerk, by E. D. Dodge, deputy clerk.

7 Pleas.

In the Circuit Court of the United States, Fifth Circuit, Southern District of Florida.

JOSEPH W. NORVELL, as Receiver,
*vs.*
HENRIETTA S. CHRISTOPHER & JOHN G. CHRISTOPHER.

And now come the defendants by their attorney, H. H. Buckman, and for plea to the declaration and the several matters thereof, say:

First. That they were never indebted as in the manner and form alleged against them in the said declaration.

Second. And for a further plea in this behalf, defendants say that the defendant, Henrietta S. Christopher, was at and before the time of the matters and things in the said declaration alleged, and still is a married woman, and that the defendant, John G. Christopher, is her husband, and that defendants are, and were at and before the time of the arising of the matters in the said declaration alleged, citizens and residents of the State of Florida.

Third. And for a further plea in this behalf, defendants say that the defendant, Henrietta S. Christopher is a married woman, a citizen and resident of the State of Florida, and that under the constitution and laws of the State of Florida, as such that she is exempt under such constitution and laws from having any personal judgment rendered against her in this proceeding or in any proceeding at law or in equity, and that the only judgment that can be rendered in this cause is a personal judgment against her for money, and she here pleads her said coverature and the exemption granted by the constitution and laws of this State.

Fourth. And for further plea in this behalf, defendants say that the defendant, Henrietta S. Christopher is not, and never was a shareholder in the said First National Bank of Florida, she being a married woman at and before the time of the matters alleged in the said declaration against her.

Fifth. And for further plea in this behalf, defendants say that on, to-wit, the year 1885, one R. M. Shoemaker, was a shareholder in the said bank, and that on, to-wit, the year 1886, the said Shoemaker departed this life testate, and in and by his said last will and testament, devised to the defendants Henrietta S. Christopher, who was his daughter, 15 shares of stock in the First National Bank of Florida, and the executors of the said last will and testament

8 caused without the knowledge or consent of the said defendant, the said 15 shares of stock to be transferred, issued and set apart to the said defendant and delivered to her the said 15 shares of stock as devised to her under the said will; that she never paid anything for the same; never caused her name to be entered upon the books of said bank, and never has in any manner or form or by any instrument or writing, subscribed for any stock, or made herself a shareholder in the said bank, and that at the time of the said devise and the said transfer and delivery of the said stock to her, as aforesaid, that she was, and has continued to be, and still remains, a married woman.

All of which defendants are ready to verify.

H. H. BUCKMAN,
Defendants' Attorney.

STATE OF FLORIDA,
County of Duval, } ss:

Personally appeared before me John G. Christopher, who being duly sworn, says that he is one of the defendants in this cause and is the husband of Henrietta S. Christopher; that he has read the foregoing pleas and knows the contents thereof, and that the same and the matters thereof are true.

JOHN G. CHRISTOPHER.

Sworn to and subscribed before me this 7 day of December, A. D. 1903.

[NOTARIAL SEAL.] W. D. DE COTTES,
Notary Public, State of Florida at Large.

My commission expires July 10th, 1906.

(Indorsed:) "251. 4. L. 3. In circuit (court) of the U. S. 5th circuit, southern district of Florida. Joseph W. Norvell as receiver *vs.* Henrietta S. Christopher and John G. Christopher. Pleas. Filed Dec. 7, 1903. E. O. Locke, clerk."

9 Demurrer to Pleas.

In Circuit Court of the United States, Fifth Circuit, Southern District of Florida.

JOSEPH W. NORVELL, as Receiver of First National Bank of Florida, Plaintiff,
*vs.*
HENRIETTA S. CHRISTOPHER and JOHN G. CHRISTOPHER, Her Husband, Defendants.

Demurrer to All Pleas Except the First.

The plaintiff says that the second, third, fourth and fifth pleas, severally, of defendants are and each of said pleas, is bad in substance, and the substantial matters of law intended to be argued are:

1. As to the said second plea, (*a*) the same states no defense to said action; (*b*) the fact that said Henrietta S. Christopher was and is a married woman, as alleged, constitutes no defense; (*c*) the fact that defendant- were and are citizens and residents of the State of Florida, as alleged, taken in connection with all the other averments of said plea, or without them, constitutes no defense; (*d*) the constitution nor laws of the State of Florida, neither, prohibited a married woman from owning stock in a national bank.

2. As to said third plea: (*a*) the same matters and grounds as set forth to said second plea, and further: (*a*) the defendant, Henrietta S. Christopher, is not prohibited from becoming a stockholder in a national bank, by the constitution or laws of the State of Florida, and the laws of the United States fix her liability in such case and determine how that liability may be enforced; (*b*) exemption from personal judgment under the laws of the State of Florida in such cases is not controlling and is not defense.

3. As to said fourth plea, the same matters and grounds as set forth with references to said second plea, and further: (*a*) that there is no law, either of the State of Florida, or of the United States, which prohibits a married woman from owning shares or stock in a national bank; (*b*) the fact that said defendant, Henrietta S. Christopher, was a married woman at and before the matters alleged does

not prevent her being a shareholder and as much liable for assessment as alleged.

4. As to said fifth plea, the same matters and grounds as set forth as to said second plea, and further: (*a*) said plea shows said shares of stock were "transferred, issued, and set apart" and "delivered" to said defendant, Henrietta S. Christopher; (*b*) said plea shows said Henrietta S. Christopher knew of the devise, transfer, and deliver of said stock to her, and she received and accepted the same; (*c*) said plea shows said Henrietta S. Christopher is the actual owner of said stock and, therefore, liable to said assessment; (*d*) said plea does not show the said defendant, Henrietta S. Christopher, is not authorized or not permitted to own national bank stock.

And for other causes apparent on the face of said pleas.

D. U. FLETCHER,
Plaintiff's Attorney.

I hereby certify that in my opinion the foregoing demurrer is well founded in point of law.

D. U. FLETCHER,
Plaintiff's Attorney.

STATE OF FLORIDA,
Duval County.

Personally came before me Joseph W. Norvell, who being duly sworn, deposes and says he, as receiver of the First National Bank of Florida, is the plaintiff in the above stated cause, and that the within and foregoing demurrer is not interposed for delay.

JOS. W. NORVELL.

Sworn to and subscribed before me this 16th day of December, A. D., 1903.

L. B. POWELL,
Notary Public, State of Florida at Large.

(Indorsed:) In circuit court United States, southern district of Florida, in law. Joseph W. Norvell, rec. *et al. vs.* Henrietta S. Christopher *et al.* Demurrer to pleas. Filed Dec. 17, 1903. E. O. Locke, clerk. Duncan U. Fletcher, attorney for plaintiff.

11 Ruling on Demurrer.

In the Circuit Court of the United States in and for the Southern District of Florida.

JOSEPH W. NORVELL, Receiver,
*vs.*
HENRIETTA S. CHRISTOPHER ET AL.

This cause coming on to be heard upon the demurrer to the second, third, fourth and fifth pleas herein, and having been fully

heard by argument of counsel, now upon consideration thereof, it is ordered that the demurrer to the second, third and fifth pleas be and the same are hereby sustained, and that the demurrer to the fourth plea be overruled.

JAMES W. LOCKE, Judge.

Jacksonville, Fla., May 16th, 1904.

(Indorsed:) United States circuit court, southern district of Florida. Joseph W. Norvell, receiver, etc., *vs.* Henrietta S. Christopher *et al.* Order on demurrer to pleas. Filed May 16, 1904. E. O. Locke, clerk.

Joinder of Issue.

In the Circuit Court of the United States for the Southern District of Florida.

JOSEPH W. NORVELL, as Receiver of the First National Bank of Florida,
*vs.*
HENRIETTA S. CHRISTOPHER ET AL.

Now comes the plaintiff, by D. U. Fletcher, his attorney, and joins issue upon the first and fourth pleas filed herein.

D. U. FLETCHER,
Plaintiff's Attorney.

(Indorsed:) In the United States — court, southern district, State of Florida. Jos. W. Norvell, as rec. First National Bank, Fla., *vs.* Henrietta S. Christopher *et al.* Joinder of issue on pleas. Filed May 16, 1904. E. O. Locke, clerk. Duncan U. Fletcher, attorney for plaintiff.

12 Waiver of Jury.

In the Circuit Court of the United States, Southern District of Florida.

JOSEPH W. NORVELL, as Receiver of the First National Bank of Florida,
*vs.*
HENRIETTA S. CHRISTOPHER and JOHN G. CHRISTOPHER, Her Husband.

It is hereby stipulated by the plaintiff and defendants, by their attorneys of record, that the above entitled cause may be tried and determined by the court without the intervention of a jury herein, a jury being hereby waived, in accordance with sections 649 and 700, of the Revised Statutes of the United States.

D. U. FLETCHER,
Attorney for Plaintiff.
H. H. BUCKMAN,
Attorney for Defendants.

(Indorsed:) In the circuit court United States, southern district of Florida. In — Joseph W. Norvell, as receiver First National Bank of Florida, *vs.* Henrietta S. Christopher and John G. Christopher, her husband. Stipulation of counsel, waiving jury. Filed June 21, 1904. E. O. Locke, clerk. Duncan U. Fletcher, attorney for plaintiff.

## Findings of Court.

In the Circuit Court of the United States in and for the Southern District of Florida.

JOSEPH NORVELL, as Receiver of First National Bank of Florida,
*vs.*
HENRIETTA S. CHRISTOPHER ET AL.

This cause coming on to be heard before the court upon the stipulation of the parties in writing, waiving a jury, and an agreed stipulation as to the evidence, oral and documentary, on behalf of the plaintiff and defendant, having been introduced, weighed
13 and considered, and the court having duly considered the law and facts, and being fully advised in the premises, it finds as matters of fact:

First. That the defendant Henrietta S. Christopher was at the time of the failure, insolvency and the putting into the hands of a receiver of said First National Bank of Florida, a shareholder in said First National Bank of Florida, of fifteen shares of said stock, of the par value of fifteen hundred ($1,500.00) dollars.

Second. That the defendant Henrietta S. Christopher was, at the time of the failure, insolvency and the putting into the hands of a receiver of said First National Bank of Florida, to-wit: on the 14 day of March, A. D. 1903, and at and before the time of acquiring said stock, was and now is a married woman and a citizen of the State of Florida, and that said stock came to her by the will of her father.

Third. That the Comptroller of the Treasury, in accordance with law, did, on the 1st day of April, A. D. 1903, make an assessment of the full par value upon each share of said stock, to the amount of fifteen hundred ($1,500.00) dollars.

And the court finds as matters of law:

That said defendant, Henrietta S. Christopher, being a shareholder of said bank, was subject to all the liabilities of shareholders in said bank.

And the court finds for the plaintiff herein, and assesses the damages against the said defendant, Henrietta S. Christopher, in the full sum of sixteen hundred and sixty (1660.00) dollars.

Jacksonville, Fla., July 1, 1904.

JAMES W. LOCKE, Judge.

(Filed July 1, 1904. E. O. Locke, clerk.)

## Motion for New Trial, &c.

In the District Court of the United States, Southern District of Florida.

JOSEPH W. NORVELLE, as Receiver, etc.,
vs.
HENRIETTA S. CHRISTOPHER ET AL.

And now comes the defendant, Henrietta S. Christopher, by her attorney, H. H. Buckman, and moves the court in arrest of judgment for a new trial upon the following grounds:

14 First. That the finding of the court that the plaintiff is entitled to judgment is contrary to law.

Second. That the finding by the court that the defendant was a shareholder of the First National Bank of Florida within this the legal sense and meaning of that term is contrary to law and the facts.

Third. That the action of the court in directing and entering judgment for the plaintiff is contrary to law.

Fourth. That it appears clearly in and by the pleadings and the testimony submitted to the court that the defendant, Henrietta S. Christopher, was a married — and was at the time she acquired title to the said stock, and that the finding of the court against her and for judgment against her is contrary to the law and the evidence.

Fifth. That it appears by the testimony and the pleadings that at the time of commencement and rendition of the judgment that the defendant in this proceedings and at the time of acquiring said stock, the defendant, Henrietta S. Christopher, was a married woman, and as such is exempt under the constitution and the laws of the State from having any personal judgment rendered against her.

5½. That the court erred in refusing the motion to strike the testimony and render judgment for the defendants.

Sixth. That the law and procedure of the State of Florida in common law cases which this court is bound to follow, prohibit the rendition of any personal judgment against a married woman, and that the finding against her and the directing of judgment against her by the court is contrary to law.

Seventh. That the court exceeded its jurisdiction and power in finding for the plaintiff and directing judgment against the defendant.

Eighth. That by the constitution and laws of the State of Florida all the property of a married woman is her separate property and cannot be levied upon or taken in execution under any personal judgment rendered against her and that the entry of judgment by the court, and the direction for the issuance of execution to be levied out of her property is beyond the jurisdiction of this court and void.

15 And for these and other errors appearing upon the face of said proceedings and records.

Defendant here moves that the said judgment be arrested or if already entered, that the same be vacated; that a new trial be granted and execution be stayed.

H. H. BUCKMAN,
Def'ts' Attorney.

You will please take notice that we will call up the above motion for hearing on the 5th day of July, A. D. 1904, at 10:00 a. m. before the judge of said court or as soon thereafter as counsel can be heard.

H. H. BUCKMAN,
Def'ts' Attorney.

To D. U. Fletcher, Esq., plaintiff's attorney.

(Indorsed:) United States circuit court, southern district of Florida, Norvell receiver *vs.* Christopher. Motion in arrest of judgment and for new trial. Filed July 4, 1904. E. O. Locke, clerk.

Order Denying New Trial and for Writ of Error, etc.

In the Circuit Court of the United States, Southern District of Florida.

J. W. NORVELL, as Receiver, &c.,
*vs.*
HENRIETTA S. CHRISTOPHER ET AL.

And now, on this day, this cause coming on to be heard upon motion for a new trial, and in arrest of judgment and was submitted by counsel whereupon, upon consideration thereof it is ordered that said motion be denied; to which defendants except; and defendants having given notice of and prayed a writ of error to the circuit court of appeals, in open court, it is ordered that said writ be allowed, and defendants be given sixty days in which to prepare and have signed a bill of exceptions and that the bond be given, which shall act as a supersedeas herein is hereby fixed at two thousand dollars.

JAMES W. LOCKE, Judge.

Jacksonville, Fla., July 6th, 1904.

16 (Indorsed:) "No. 251. L. 3. Norvell *vs.* Christopher. Order. Filed Jul- 6, 1904. E. O. Locke, clerk."

Judgment.

In accordance with the findings of the court herein, it is considered that the plaintiff, Joseph W. Norvell, as receiver of the First

National Bank of Florida, do have, receive and recover of and from the defendant, Henrietta S. Christopher the sum of sixteen hundred and sixty dollars ($1,660.00) damages in this behalf sustained, as well as — dollars costs in this behalf expended. Let execution issue.

Attest: E. O. LOCKE, Clerk.

Entered July 6th, 1904.
(From the Judgment Record, page 226.)

Petition for Writ of Error.

In Circuit Court of United States, Southern District Florida.

JOSEPH W. NORVELLE, as Receiver of First National Bank of Florida,
*vs.*
HENRIETTA S. CHRISTOPHER and JNO. G. CHRISTOPHER.

Come now the defendants in the above entitled cause feeling themselves aggrieved by the findings and judgment of said court, entered on the 6th day of July, A. D. 1904, and petition said court for an order allowing said defendants to prosecute a writ of error to the circuit court of appeals of the United States for the 5th circuit under and according to the laws of the United States in that behalf made and provided and that an order may be made fixing the amount of security these defendants shall give and furnish upon said writ of error and that upon the giving of the same all further proceedings in the court be stayed and suspended until the determination of said writ of error by the United States circuit court of appeals aforesaid.

And your petitioners will ever pray, etc.

H. H. BUCKMAN,
Att'y for Defendants.

17 (Indorsed:) In circuit court of United States, southern district Florida. Joseph W. Norvelle as receiver of First National Bank of Florida, *vs.* Henrietta S. Christopher and John G. Christopher. Application for writ of error. Filed Jul- 6, 1904. E. O. Locke, clerk.

Assignments of Error.

In the Circuit — United States, Southern District of Florida.

JOSEPH W. NORVELLE, as Receiver of First National Bank of Florida,
*vs.*
HENRIETTA S. CHRISTOPHER and JOHN G. CHRISTOPHER.

Come now the defendants in the above entitled cause named and file the following assignment of error- upon which they will rely upon their prosecution of the writ of error taken herein, to-wit:

First. That the circuit court of the United States southern district of Florida erred in overruling the demurrer of the defendants to the plaintiff's declaration in said cause.

Second. That said court erred in sustaining the demurrer interposed by *by* the plaintiff to the 2nd, 3rd and 5th plea- interposed by defendants to the declaration in said cause.

Third. That the said court erred in sustaining the demurrer of the plaintiff to so much of the 4th plea filed by the defendants following immediately after the word "Florida," in the fourth line reading as follows, "She being a married woman at and before the time of the matters alleged in the said declaration against her."

Fourth. That said court erred in denying the motion of the defendants to strike the testimony of the plaintiff as immaterial and irrelevant, and not constituting any cause of action against these defendants and for finding and judgment for the defendants on the ground that said testimony showed that defendant, Henrietta S. Christopher, at and before the time she became owner of the shares of stock in the insolvent bank and at the time of the bringing of this suit and still is a married woman, domiciled in and a
18 citizen of the State of Florida, and as such was under the constitution and laws of Florida and the practice and procedure in said State exempt from the rendition of any personal judgment against her.

The full substance of which testimony was as follows:

That Henrietta S. Christopher was a daughter of R. M. Shoemaker who was a shareholder in the First National Bank of Florida she married John G. Christopher in 1881 and is still his wife, a citizen and resident of the State of Florida: that Shoemaker died and demised by will one-fifth of his stock holding to her; that November, 1887, the executors of the Shoemaker will caused one-fifth of the stock, equalling fifteen shares, to be transferred on the books of the bank and a certificate for same issued to her in her name, which two days later was receipted for by her attorneys; that such transfer and issue was made without her knowledge, request or consent; that afterwards she personally was the recipient of several dividends on said shares of stock by checks made payable to her personal order; that she signed personally a paper with other holders of stock on February 23, 1894, being an application for an amendment to the articles of association of said bank, though such paper was not signed by her husband or acknowledged by her; that the bank was insolvent, receiver appointed assignment ordered and made, payment demanded of defendant and refused.

Fifth. That said court erred in finding (a jury being waived) under the testimony set out in the 4th assignment of error which is made part of this assignment; that the defendant, Henrietta S. Christopher, was a shareholder in said bank instead of simply a holder or owner of shares and that she was subject to all the liabilities of shareholders in said bank, having also found that at and before the time of the acquiring of said stock by her, the insolvency of

the bank, appointment of receiver, bringing of suit, and still was a married woman, a citizen and resident of Florida.

Sixth. That said court erred (a jury being waived) in finding for the plaintiff and assessing damages against the said defendant, Henrietta S. Christopher, she being then and there a married woman, a citizen of the State of Florida.

Seventh. That the court erred in denying the motion in arrest of judgment and for a new trial.

Eighth. That said court erred in rendering and entering
19 judgment in favor of the plaintiff and against the defendant Henrietta S. Christopher, for sixteen hundred and sixty dollars ($1,660.00), or any sum, the same being a personal judgment against a married woman, a citizen of the State of Florida.

Ninth. The court erred in rendering judgment against the defendant, Henrietta S. Christopher, which is a personal money judgment and as part thereof, directing the issuance of execution thereon to enforce and collect the same, such judgment being against a married woman, citizen of the State of Florida, and such execution directed to be enforced by levy out of her separate estate and property, the same being void and contrary to and prohibited by the constitution and laws of the State of Florida.

Tenth. That the United States circuit court for the southern district of Florida was without jurisdiction to render any judgment against the defendant, Henrietta S. Christopher, or any judgment except a judgment of dismissal of the cause, she being a married woman, a citizen of the State of Florida and said proceeding a common law proceeding governed by the constitution, laws and procedure of such State in common law causes.

Wherefore the said defendants, plaintiffs in error pray that the judgment of said court be reversed and such directions be given that full force and efficacy may enure to defendants by reason of the defense set up by them in their pleadings in said cause.

H. H. BUCKMAN,
Att'y for Defendants and Plaintiffs in Error.

(Indorsed:) In circuit court, United States, southern district of Florida. Joseph W. Norvell as receiver of First National Bank of Florida, *vs.* Henrietta S. Christopher and John G. Christopher. Assignment of errors. Filed Jul- 6, 1904. E. O. Locke, clerk.

20 Bond.

In the Circuit Court of the United States, Southern District of Florida.

JOSEPH W. NORVELL
*vs.*
HENRIETTA S. CHRISTOPHER and JOHN G. CHRISTOPHER ET AL.

Know all men by these presents: That we Henrietta S. Christopher and John G. Christopher as principals and George W. Parkhill

and Joseph H. Crosby as sureties are held and firmly bound unto Joseph W. Norvell as receiver of the First National Bank of Florida and his successor in office in the sum of two thousand dollars ($2000) for the payment of which well and truly to be made, be bind ourselves, our executors, administrators and successors jointly and severally, firmly *be* (by) these presents.

Signed and sealed with our seals this 15th day of July, A. D. 1904.

The condition of the above obligation is such that whereas on the 6th day of July, A. D. 1904, the above named Joseph W. Norvell, as receiver of the First National Bank of Florida, recovered a judgment against the above bounden Henrietta S. Christopher in the circuit court of the United States for the southern district of Florida for the sum of sixteen hundred and sixty dollars ($1660) and the said Henrietta S. Christopher and John G. Christopher being dissatisfied with said judgment, have prayed for and been allowed a writ of error therefrom to the circuit court of appeals of the United States for the fifth judicial circuit, now if the said Henrietta S. Christopher and John G. Christopher shall prosecute such writ of error to effect, and if they fail to make good their plea and the said judgment be affirmed, shall pay the same and shall answer all damages and costs then this application to be void, else to remain in full force and virtue.

HENRIETTA S. CHRISTOPHER. [SEAL.]
JOHN G. CHRISTOPHER. [SEAL.]
GEORGE W. PARKHILL. [SEAL.]
JOS. H. CROSBY. [SEAL.]

Taken and approved this 16th day of July, A. D. 1904.

E. O. LOCKE,
Clerk U. S. Court.
JAMES W. LOCKE, Judge.

21 STATE OF FLORIDA, }
County of Duval. }

Personally appeared before me, George W. Parkhill, and Jos. H. Crosby, who being each duly sworn, say they are worth in property in this the southern district of Florida and said State the sum of $2000.00 over and above, all debts and exemptions allowed by law.

GEORGE W. PARKHILL.
JOS. H. CROSBY.

Sworn to and subscribed before me this 16th day of July, A. D. 1904.

W. D. DE COTTES,
Notary Public, State of Florida at Large.

(Indorsed:) In the circuit court, United States, southern district, Florida. Joseph W. Norvell *vs.* Henrietta S. Christopher and

John G. Christopher, *et al.* Bond. Filed July 16, 1904. E. O. Locke, clerk. No. 251.

Bill of Exceptions.

In the Circuit Court of the United States, Fifth Circuit, Southern District of Florida.

JOSEPH W. NORVELL, as Receiver of First National Bank of Florida,
vs.
HENRIETTA S. CHRISTOPHER and JOHN G. CHRISTOPHER, Her Husband.

Be it remembered that afterward, to-wit: on the first day of July, A. D. 1904, at the said term of the said court, begun and holden in the city of Jacksonville, in and for the district aforesaid, before his honor James W. Locke, district judge, the issues joined in the above entitled cause between said parties coming on to be tried without the intervention of a jury. A jury being expressly and in writing filed herein waived by the parties who consented to such trial before the judge. Plaintiff being represented by D. U. Fletcher, Esq., as his attorney, and the defendant- by H. H. Buckman, Esq., as their attorney; and then and there upon the trial of said issues the said respective parties to maintain the issues in their behalf, through their respective attornies filed there stipulation in writing, as
22 to what the testimony in said case should be; both for the plaintiff and for the defendant, subject to such exceptions as to materiality, legality or its purtenancy, as either might see proper to make. Said parties through their counsel admitting that such should be the testimony in said case, which said testimony in behalf of plaintiff, according to said stipulation is as follows:

First. That the defendant Henrietta S. Christopher became the owner of fifteen shares of stock in the First National Bank of Florida November 15th, 1887, evidenced by certificate No. 54 for fifteen shares of such stock being issued to her on that day, and delivered to R. B. Archibald, as her attorney, November 17th, 1887. That she still holds said certificate and has never sold, transferred or assigned the said stock.

Second. That the said Henrietta S. Christopher, defendant, received several semi-annual dividends, from three to five per cent., on such stock, from November — 1887, up to and including February 1st, 1896, at which time the last dividend of three per cent. on capital stock of said bank was declared and paid to all the stockholders, as is shown by the stock books of said bank, including said defendant, Henrietta S. Christopher. Such dividends being paid to defendant by checks, made payable to her order, which she personally indorsed.

Third. That on the lists of stockholders in said bank, has appeared the name of said defendant, Henrietta S. Christopher, from

November 17th, 1887, to the present time. That the books of the bank show the holders and owners of stock by various persons, including fifteen shares in the name of Henrietta S. Christopher. That the dividend account, shown on the books of said bank, show the various dividends paid said Henrietta S. Christopher on said fifteen shares.

Fourth. That on February 23rd, 1894, the stockholders of said bank made application for "amendment to articles of association," and that among the signatures of such stockholders for such application appears the name of Henrietta S. Christopher, as owner of fifteen shares of stock in said bank.

Fifth. That an assessment was made and ordered upon the stockholders of said bank, April 1st, 1903, as provided by section 5151 and 5134 of the Revised Statutes of the United States, and notice thereof was duly sent to said defendant.

Sixth. That said bank became insolvent on, to-wit: the
23 14th day of March, 1903, and that plaintiff was duly appointed its receiver, qualified as such and took charge of its assets.

The plaintiff to further prove the issues in his behalf filed in evidence, copy of the order for assessment made by the Comptroller of the Currency, which is as follows:

Assessment upon Shareholders.

No. 2174.

TREASURY DEPARTMENT,
OFFICE OF THE COMPTROLLER OF THE CURRENCY,
WASHINGTON, D. C., April 1, 1903.

In the Matter of the FIRST NATIONAL BANK OF FLORIDA, Jacksonville, Fla.

To all whom it may concern:

Whereas, upon the proper accounting by the receiver heretofore appointed to collect the assets of "The First National Bank of Florida," Jacksonville, Florida, and upon a valuation of the uncollected assets remaining in his hands, it appears to my satisfaction that in order to pay the debts of such association it is necessary to enforce the individual liability of the stockholders thereof to the extent hereinafter mentioned, as *ascribed* by section 5151 and 5134 of the Revised Statutes of the United States.

Now, therefore by virtue of the authority invested in me by law, I do hereby make an assessment and requisition upon the shareholders of the said "First National Bank of Florida," Jacksonville, Florida, for fifty thousand dollars, to be paid by them ratably, on or before the first day of May, 1903, and I hereby make demand upon each and every one of them for one hundred dollars, upon each and every share of the capital stock of said association, held or owned

by them respectively, and at the time of its failure; and I hereby direct Jos. W. Norvell, the receiver heretofore appointed, to take all necessary proceedings, by suit or otherwise, to enforce to that extent the said individual liability of said shareholders.

In witness whereof, I have hereunto set my hand and caused my seal of office to be affixed to these presents, at the city of Washington in the District of Columbia, the first day of April, A. D. 1903.

T. P. KANE,

[SEAL.] Deputy and Acting Comptroller of the Currency.

24 Also the notice given by the plaintiff as receiver to Henrietta S. Christopher, which is as follows:

Office of the Receiver of the First National Bank of Florida, Jacksonville, Fla.

JACKSONVILLE, FLA., April 1, 1903.

You will please take notice that, the Comptroller of the Currency has levied an assessment upon the stockholders of the First National Bank of Florida, Jacksonville, Florida, of one hundred dollars, ($100.00) a share, payable at the office of the receiver, on or before May 1st, 1903. The receiver is, however, authorized by the Comptroller to grant an extension, without interest, to shareholders who pay 25 per cent. of the assessment on or before that date, and who will give a written obligation, satisfactorily guaranteed, to pay 25 per cent. additional on or before June 1st, 1903, 25 per cent. on or before July 1st, 1903, and the remaining 25 per cent. on or before August 1st, 1903.

You are, therefore, requested to pay the assessment on 15 share- of stock standing in your name, in accordance with the foregoing order and this notice or suit will be commenced to enforce payment.

JOS. W. NORVELL,
Receiver First National Bank of Florida,
Jacksonville, Florida.

To Mrs. Henrietta S. Christopher, Jacksonville, Fla.

The plaintiff in its behalf further produced and offered as evidence the "amendment to articles of association," of said bank, upon which the signature of Henrietta S. Christopher appears as a shareholder in said bank to the amount of fifteen shares, which is as follows:

Amendment to Articles of Association.

The First National Bank of Florida, Jacksonville, Florida.

In accordance with and in pursuance of the provisions of "An act to enable national banking associations to extend their corporate existence, and for other purposes," approved July 12th, 1882,

we, the undersigned shareholders of "The First National Bank of Florida," located at Jacksonville, Florida, Duval county,
25 owning the shares of capital stock of the said association, set opposite our respective names, aggregating not less than two thirds of the stock of said association, the total number of shares representing the capital stock of said national banking association, five hundred shares, do hereby consent and agree that the 7th article of the articles of association of said national banking association, be, and is hereby amended to read as follows:

"This association shall continue until close of business May 26th, 1914, unless sooner placed in voluntary liquidation by the act of its shareholders, owning at least two-thirds of its stock, or otherwise dissolved by authority of law."

In witness whereof, we, the undersigned, have hereunto set our hands.

| Date. 1894. | Name. | Address. | No. share. |
|---|---|---|---|
| Feb. 21st. | I. M. Schumacher | Jacksonville | 236½ |
| Feb. 21st. | R. C. Cooley | Jacksonville | 10 |
| Feb. 21st. | F. E. Harvey, by R. C. Cooley, att'y. | Buffalo, N. Y | 100 |
| Feb. 21st. | E. P. Dismukes, by R. C. Cooley, att'y. | Ocala, Fla | 27½ |
| Feb. 21st. | C. P. Schumacher, by R. C. Cooley, att'y. | Leadville, Col | 1 |
| Feb. 21st. | Mary S. Putnam, by R. C. Cooley, att'y. | Saratoga Sp'gs, N. Y | 15 |
| Feb. 21st. | Mary F. Coffin, by R. C. Cooley, att'y. | Lynn, Mass | 10 |
| Feb. 21st. | F. M. Schumacher, by R. C. Cooley, att'y. | Cincinnati, O | 5 |
| Feb. 21st. | M. M. Schumacher | Cincinnati, O | 15 |
| Feb. 21st. | L. Little | Jacksonville | 10 |
| Feb. 21st. | John Clark | Jacksonville | 10 |
| | Henrietta S. Christopher. | Jacksonville | 15 |
| | Total shares | | 455 |

To the introduction and consideration in evidence of paragraph 4, of the said stipulations and the amendment to articles of association, the defendants by their attorney then and there objected on the ground that the defendant, Henrietta S. Christopher, was a married woman, and that her signature to the paper entitled "Amendment to the articles of association," without the signature of her husband, or consent otherwise shown in writing and without same being separately acknowledged by her, according to the statutes of Florida, in such case made and provided, was not legally binding upon her so as to charge her or her separate estate or property in any way or manner whatsoever in this action or to constitute her a shareholder in said bank, subject to any liability which could be enforced against her or her property by personal judgment.
26 But the said judge, considering the same, then and there rendered and delivered his ruling and judgment upon said objection and overruled the same, and permitted the same, section 4

of the stipulations, and said "Amendment to the articles of association" in evidence, to which ruling and decision of said judge, the defendant by its attorney did then and there except, and the defendants to prove the issues in their behalf offered in evidence and introduced so much of the said stipulations, so agreed upon and filed by the counsel as the evidence in said case, which reads as follows:

That the defendant, Henrietta S. Christopher, is a married woman, the wife of John G. Christopher, the defendant, and has been his wife since the year 1881, and a citizen of the State of Florida. That she was the daughter of R. M. Schumacher, who owned 75 shares of said stock in said bank, and that he died in the year 1886, testate, bequeathing by his will, one-fifth of his stock to his daughter, and on the 15th day of November, 1887, the executors of said will caused the one-fifth part, or 15 shares, of said stock to be transferred to Henrietta S. Christopher, on the books of said bank without any request or direction on her part. That she has never subscribed for any stock in said bank, or caused her name to be entered on the bank's books as such, or knew of same until the stock had been issued and delivered to her.

And the said parties having concluded their said testimony, the defendants then and there entered their demurrer to the evidence and moved to strike the same on the ground that this was a common law proceeding brought against a married woman, a citizen of the State of Florida, in the State of Florida, and that under the constitution and laws of the State of Florida that no personal judgment could be rendered against her in such action, and that this court must be governed by the mode and manner of procedure including the power to render judgment, pertaining to common law causes, according to the law and procedure governing the courts of the State of Florida, which must be followed by this court.

And this court had no power and was without jurisdiction, as the State court would have no power and would be without jurisdiction to render any judgment against her in this action, which said judgment would of necessity be a personal money judgment against a married woman;

But the said judge then and there considering the same, did decide and render his said judgment that the said demurrer of the defendants, and motion to strike was not well taken and should be denied and overruled and then and there did deny and overrule the same and refused to grant the said motion or sustain the
27 said demurrer, to which rulings and decisions of the said judge, the defendants, by their attorney, did then and there except;

And the said parties having concluded their testimony and submitted the same to the said judge for his decision and judgment thereon without the intervention of a jury, a jury being expressly waived by the parties by stipulation in writing, the said judge did then and there upon the trial of said cause and at the term of court

aforesaid, find and file his special findings both of fact and of law, which said special findings are in the words and figures following, to-wit:

Now this cause coming on to be heard before the court upon stipulation of the parties in writing waiving a jury and an agreed stipulation as to the evidence, oral and documentary, on behalf of the plaintiff and defendant having been introduced, weighed and considered, and the court having duly considered the law and facts and being fully advised in the premises, it finds as matters of fact:

First. That the defendant, Henrietta S. Christopher, was at the time of the failure insolvency and putting into the hands of a receiver of said First National Bank of Florida, a shareholder in said First National Bank of Florida, of fifteen shares of said stock of the par value of fifteen hundred dollars ($1500.00);

Second. That the defendant, Henrietta S. Christopher, was at the time of the failure insolvency and putting into the hands of a receiver of said First National Bank of Florida, to-wit, on the 14th day of March, A. D. 1903, and before and at the time of acquiring of said stock, and now is, a married woman and a citizen of the State of Florida, and that said stock came to her by the will of her father;

Third. That the Comptroller of the Treasury in accordance with the law, did on the first day of April, A. D. 1903, make an assessment of the full par value upon each share of said stock to the amount of fifteen hundred dollars ($1500.00).

And the court finds as matters of law:

That said defendant, Henrietta S. Christopher, being a shareholder of said First National Bank of Florida, was subject to all the liabilities of shareholders in said bank;

And the court finds for the plaintiff herein and assesses the damages against the said defendant, Henrietta S. Christopher, in the full sum of sixteen hundred and sixty dollars ($1660.00).

Jacksonville, Florida, July 1st, 1904.

(Signed) JAMES W. LOCKE, Judge.

28 And the said judge having made his special findings of facts and law and having found for the plaintiff herein, the said defendants being dissatisfied with the said findings, filed on to-wit, at the same term of the court aforesaid, on the 4th day of July, A. D. 1904, their motion in arrest of judgment and for a new trial which is in the words and figures following to-wit:

In District Court of the United States, Southern District of Florida.

JOSEPH W. NORVELL, as Receiver, etc.,
*vs.*
HENRIETTA S. CHRISTOPHER ET AL.

And now comes the defendant, Henrietta S. Christopher, by her attorney, H. H. Buckman, and moves the court in arrest of judgment for a new trial upon the following grounds:

First. That the finding of the court that the plaintiff is entitled to judgment is contrary to law.

Second. That the finding by the court that the defendant was a shareholder in the First National Bank of Florida within this, the legal sense and meaning of that term is contrary to law and the facts.

Third. That the action of the court in directing and entering judgment for the plaintiff is contrary to law.

Fourth. That it appears clearly in and by the pleadings and the testimony submitted to the court that the defendant, Henrietta S. Christopher, was and is a married woman, and was at the time she acquired title to the said stock, and that the finding of the court against her and for judgment against her is contrary to the law and the evidence.

Fifth. That it appears by the testimony and the pleadings that at the time of the commencement and rendition of the judgment that the defendant in this proceedings and at the time of acquiring said stock, the defendant, Henrietta S. Christopher, was a married woman, and as such is exempt under the constitution and the laws of the State from having any personal judgment rendered against her.

5½. That the court erred in refusing the motion to strike the testimony and render judgment for the defendants.

Sixth. That the law and the procedure of the State of Florida in common law cases which this court is bound to follow, prohibit the rendition of any personal judgment against a married woman,
29 and that the finding against her and the directing of judgment against her by the court is contrary to law.

Seventh. That the court exceeded its jurisdiction and power in finding for the plaintiff and directing judgment against the defendant.

Eighth. That by the constitution and the laws of the State of Florida all the property of a married woman is her separate property and cannot be levied upon or taken in execution under any personal judgment rendered against her, and that the entry of judgment by the court and the direction for the issuance of execution to be levied out of her property is beyond the jurisdiction of this court and void.

And for these and other errors appearing upon the face of the said proceedings and record

Defendant here moves that the said judgment be arrested or if already entered, that the same be vacated; that a new trial be granted and execution be stayed.

H. H. BUCKMAN,
Def'ts' Attorney.

You will please take notice that we will call up the above motion for hearing on the 5th day of July, A. D. 1904, at 10:00 a. m.,

before the judge of said court, or as soon thereafter as counsel can be heard.

H. H. BUCKMAN,
Def'ts' Attorney.

To D. U. Fletcher, Esq., pl't'ff's attorney.

And thereafter at the same term of court aforesaid, the same motion in arrest of judgment and for a new trial came on to be heard before the said judge and thereupon the said judge then and there did decide that the said motion should not be granted, and overruled the same; to which ruling and decision of the said judge, the said defendants did then and there, by their attorney, except.

Thereupon the court aforesaid, on the 6th day of July, A. D. 1904, at the term aforesaid, did render judgment in favor of said plaintiff and against the said defendants for the sum of sixteen hundred and sixty dollars ($1650.00) damages and — costs, as appears of record; and inasmuch as the said several matters objected to or insisted upon and considered by the court do not appear by the record of the findings and judgment aforesaid, the said defendants by their attorney aforesaid, by virtue of a special order made by the said judge during the term aforesaid, on to-wit, on the 6th day of July, A. D. 1904, granted time in which to prepare and have settled and allowed, the bill of exceptions prayed herein, and propose this, their bill of exceptions to the said opinions and decisions of the said judge and request him to sign the same according to the statute and rules and practice in such case made and provided.

And thereupon the said judge at the term aforesaid, did sign, settle and certify the foregoing as the said bill of exceptions by the order following, to-wit:

In the Circuit Court of the United States, Fifth Circuit, Southern District of Florida.

JOSEPH W. NORVELL, as Receiver of First National Bank of Florida,
*vs.*
HENRIETTA S. CHRISTOPHER and JOHN G. CHRISTOPHER, Her Husband.

This cause having been brought on regularly before this court on this 26 day of August, A. D. 1904, upon the application of the defendants for the settling and certifying of the proposed bill of exceptions lately filed herein, and the time for such settling and certifying of said bill of exceptions having been duly extended by order of this court until and including this day.

And it appearing that due notice has been given to the plaintiff and his attorney of the application of this order and the settlement of the said bill of exceptions.

And it appearing that the same is correct and contains all the testimony taken and considered at the trial of said cause, and all the

exceptions and objections thereto and the proceedings taken in that regard by and on behalf of the defendants, at the said trial, together with a correct transcript of the special findings of the fact- and law made by the judge of said court, said cause being tried without the intervention of a jury and with a motion for an arrest of judgment and for a new trial, and the order overruling the same.

Now, therefore, on motion of H. H. Buckman, Esq., defendants' attorney, it is ordered: That the said bill of exceptions heretofore filed by defendants in this cause, be, and it is hereby settled as the true bill of exceptions in said cause.

And that the same as so settled be now and here certified accordingly by the undersigned, the judge of this court, who presided at the trial of this cause.

31 And that said bill of exceptions as so certified be filed by the clerk. I further certify that said bill of exceptions contains all the evidence adduced upon the trial of said cause.

Aug. 26, 1904.

JAMES W. LOCKE, Judge, etc. [SEAL.]

In the Circuit Court of the United States, Fifth Circuit, Southern District of Florida.

JOSEPH W. NORVELL, as Receiver of First National Bank of Florida,
*vs.*
HENRIETTA S. CHRISTOPHER and JOHN G. CHRISTOPHER, Her Husband.

Please take notice:

That on August 26th, 1904, we will present to the Honorable J. W. Locke, judge of said court, who presided at the trial of the said cause, the bill of exceptions, prepared and filed herein, and ask for an order declaring & settling the same as the true bill of exceptions in said cause.

H. H. BUCKMAN,
Defendants' Attorney.

To D. U. Fletcher, Esq., plaintiff's attorney.

Service of the foregoing notice, together with copy of proposed bill of exceptions, received and accepted this 24th day of August, A. D. 1904.

I have examined the same and the same containing a true statement of all the evidence adduced and considered at the trial of said cause and of the exceptions and motions made by the defendants pending & after the said trial, I make no objection to the signing, certifying and settling of the same by the judge of said court.

D. U. FLETCHER,
Plaintiff's Attorney.

(Indorsed:) "No. 251. 14. L. 3. In circuit court of the U. S., southern district of Florida. Jos. W. Norvell, receiver, *vs.* Henrietta S. Christopher *et al.* Bill of exceptions. Received for filing Aug. 26th, 1904. Filed Sept. 6th, 1904. E. O. Locke, clerk."

32 UNITED STATES OF AMERICA, *ss*:

The President of the United States to the honorable the judges of the circuit court of the United States for the fifth circuit, southern district of Florida, Greeting:

Because in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said circuit court, before you, or some of you, between Joseph W. Norvell, as receiver of the First National Bank of Florida, and Henrietta S. Christopher and John G. Christopher, a manifest error hath happened, to the great damage of the said Henrietta S. Christopher and John G. Christopher, as by their complaint appears. We being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the U. S. circuit court of appeals, fifth circuit, together with this writ, so that you may have the same at New Orleans, La., on the third day of October, 1904, in the said appellate court, to be then and there held, that the record and proceedings aforesaid being inspected, the said U. S. circuit court of appeals, may cause further to be done therein to correct that error, what of right, and according to the laws and customs of the United States, should be done.

Witness, the Honorable Melville W. Fuller, Chief Justice of the Supreme Court of the United States, the sixth day of September, in the year of our Lord one thousand nine hundred and four.

E. O. LOCKE,

[SEAL.] Clerk U. S. Circuit Court, Southern District of Florida.

Allowed by
JAMES W. LOCKE, Judge.

(Indorsed:) Filed Sept. 6, 1904, in U. S. circuit court, southern district of Florida. E. O. Locke, clerk.

33 UNITED STATES OF AMERICA, *ss*:

To Joseph W. Norvell, as receiver of the First National Bank of Florida, Greeting:

You are hereby cited and admonished to be and appear at a circuit court of appeals of the United States, to be holden at New Orleans, La., on October 3d, 1904, pursuant to a writ of error, filed

in the clerk's office of the circuit court of the United States, for the southern district of Florida, wherein Henrietta S. Christopher and John G. Christopher are plaintiffs in error against you, to show cause, if any there be, why the judgment in the said writ of error mentioned, entered on the sixth day of July, A. D. 1904, should not be corrected, and speedy justice should not be done to the parties on that behalf.

Witness, the Honorable Melville W. Fuller, Chief Justice of the Supreme Court of the United States, this sixth day of September, in the year of our Lord one thousand nine hundred and four.

[SEAL.] JAMES W. LOCKE, Judge.

Attest: E. O. LOCKE,
Clerk U. S. Circuit Court, Southern District of Florida.

(Indorsed:) "U. S. circuit court of appeals, fifth circuit. Henrietta S. Christopher & John G. Christopher, pl'ffs in error, *vs.* Joseph W. Norval, as receiver of the First National Bank of Florida. Citation. Filed Sep. 13, 1904. E. O. Locke, clerk. U. S. circuit —, southern district of Florida."

(Indorsed:) "Service of the within citation accepted, without waiver of objections to writ of error. D. U. Fletcher, attorney for plaintiff, Jos. W. Norvell, or def't in error."

34 U. S. Circuit Court, Fifth Circuit, Southern District of Florida.

JOSEPH W. NORVELL, as Receiver of the First National Bank of Florida, a Corporation under the Laws of the United States of America,
*vs.*
HENRIETTA S. CHRISTOPHER and JOHN G. Christopher, Her Husband.
} No. 251. At Law.

I, Eugene O. Locke, clerk of the said court, hereby certify that the foregoing typewritten, printed and written pages and part pages numbered from "1" to "41," inclusive, *is* a full, true and correct transcript and copy of the record, assignments of errors, bill of exceptions, and all the proceedings in the above entitled cause, lately adjudicated in said court, as the same remains on file and of record in my office at Jacksonville, Florida.

In testimony whereof I hereunto set my hand officially, and affix the seal of said court at Jacksonville, in said district, this fifteenth day of September, A. D. 1904.

[SEAL.] EUGENE O. LOCKE, Clerk.

35 On the 31st day of December, A. D. 1904, a certificate of the clerk of the circuit court of the United States for the southern district of Florida as to correction of transcript was filed in said cause in words and figures following, to-wit:

U. S. Circuit Court, Fifth Circuit, Southern District of Florida.

JOSEPH W. NORVELL, Receiver, &c.,
*vs.*
HENRIETTA S. CHRISTOPHER ET AL. } No. 251. At Law.

I, Eugene O. Locke, clerk of said court hereby certify that in the transcript of record to the circuit court of appeals in said cause, the following error in transcribing the "judgment" appears: *i. e.* on page 20 of said transcript, and page 16 printed record (No. 1414) the words "and John G. Christopher" following the words "Henrietta S. Christopher" (8th line, page 16, printed record) improperly appear as above: the judgment as shown from the original record being against Henrietta S. Christopher, only: and the words "and John G. Christopher" should be stricken from line 8, page 16, printed transcript of record.

In testimony whereof I hereunto set my hand officially, and affix the seal of said court at Jacksonville, in said district, this twenty-fourth day of December, A. D. 1904.

[SEAL.] EUGENE O. LOCKE, Clerk.

The foregoing has the following endorsements, to-wit:

Henrietta S. Christopher *et al. vs.* Joseph W. Norvell, receiver, etc. No. 1414 Correction of transcript. Filed 31 day of Dec. 1904, Charles H. Lednum, clerk of the United States circuit court of appeals.

36 And on Jan. 2, 1905, an agreement of counsel as to corrections in transcript of record was filed in said cause in words and figures following, to-wit:

In the United States Court of Appeals, Fifth Circuit.

HENRIETTA S. CHRISTOPHER ET AL., Plaintiffs in Error,
*vs.*
JOSEPH W. NORVELL, Defendant in Error. } Record # 1414.

We, the undersigned, counsel and attorneys, representing respectively the plaintiffs in error and defendant in error in the above entitled cause, do hereby consent and agree, that;

Whereas, an error appears in the transcript and printed record of said cause filed in this case in the entry of the judgment which appears on page 20 of the clerk's record, and page 16, of the printed record, and which error consists in the improper adding of the words, "*and John G. Christopher*" immediately after the words "Henrietta S. Christopher,"

Whereas, said error is evidently a clerical error, made by the clerk of the lower court in copying said entry, and he has certified that

such is an error, and that the original judgment was only rendered and reads, as appears of record in the court below, "against Henrietta S. Christopher;"

We, desiring that said error should be corrected, do hereby agree that the addition of the words "and John G. Christopher" in the said entry of the said record in this court is an error;

And that said words should be stricken out;

And we do hereby authorize the clerk of this, the court of appeals, to erase from said records on the pages aforesaid, the said words "and John G. Christopher" in the entry of said judgment, and do hereby agree that the said record with the said words so erased and stricken therefrom, is the record in said cause.

H. H. BUCKMAN,
Attorney for Plaintiffs in Error.
D. U. FLETCHER,
Attorney for Defendant in Error.

37 December 27, A. D. 1904.

U. S. Circuit Court. Fifth Circuit, Southern District of Florida.

JOSEPH W. NORVELL, Receiver, &c.,
*vs.*
HENRIETTA S. CHRISTOPHER ET AL. } No. 251. At Law.

I, Eugene O. Locke, clerk of said court hereby certify that in the transcript of record to the circuit court of appeals in said cause, the following error in transcribing the "judgment" appears: *i. e.* on page 20 of said transcript, and page 16 printed record (No. 1414) the words "and John G. Christopher" following the words "Henrietta S. Christopher" (8th line, page 16, printed record) improperly appear as above; the judgment as shown from the original record being against Henrietta S. Christopher only: and the words "and John G. Christopher" should be stricken from line 8, page 16, printed transcript of record.

In testimony whereof I hereunto set my hand officially, and affix the seal of said court at Jacksonville, in said district, this twenty-fourth day of December, A. D. 1904.

[SEAL.] EUGENE O. LOCKE, Clerk.

The foregoing has the following endorsements, to-wit:

No. 1414. In the U. S. court of appeals, 5th circuit. Henrietta S. Christopher, *et al.*, pl'ff's in error, *vs.* Joseph W. Norvell, def't in error. Agreement as to corrections in record. U. S. circuit court of appeals. Filed Jan. 2, 1905. Charles H. Lednum, clerk.

38 Argument and Submission.

HENRIETTA S. CHRISTOPHER ET AL.
vs.
JOSEPH W. NORVELL, Receiver. } No. 1414.

JAN. 4, 1905.

On this day this cause was regularly called, and after argument by H. H. Buckman, Esq., for plaintiffs in error, was continued until tomorrow for further hearing.

JAN. 5, 1905.

HENRIETTA S. CHRISTOPHER ET AL.
vs.
JOSEPH W. NORVELL, Receiver. } No. 1414.

On this day this cause was called for further hearing, and after argument by D. U. Fletcher, Esq., for defendant in error, and H. H. Buckman, Esq., for plaintiffs in error, was submitted to the court.

And thereafter, on January 24th, 1905, an opinion of said *court* circuit court of appeals was filed in said cause in words and figures following, to-wit:

39 Filed January 24, 1905. Charles H. Lednum, Clerk.

United States Circuit Court of Appeals, Fifth Judicial Circuit, November Term, 1904.

HENRIETTA S. CHRISTOPHER ET ALS.
v.
JOSEPH W. NORVELL, Receiver. } No. 1414.

Error to the Circuit Court of the United States, Southern District of Florida.

Before Pardee, McCormick, and Shelby, Circuit Judges.

By the COURT:

The plaintiff in error, Henrietta S. Christopher, wife of John G. Christopher, was a stockholder in the First National Bank of Florida, and as such stockholder was liable under the statutes of the United States for the assessment made by the Comptroller of the Currency on the stockholders of said bank. See secs. 5151–5234, R. S. U. S.

Even if a defense on such line would avail the plaintiff in error, we find nothing in the laws of Florida disabling married women from owning in their own right stock in national banking associations and incurring the liabilities resulting therefrom.

On the whole case we conclude there was no error in the judg-

ment of the circuit court: See Keyser *v.* Hitts, 133 U. S. 139. And we say as said by the Supreme Court in that case, "But the question as to what property may be reached in the enforcement of such judgment is not before us, and we express no opinion on it."

The judgment of the circuit court is AFFIRMED.

40 And on the 24th day of January, A. D. 1905, in the record and proceedings of said circuit court of appeals is a judgment in said cause in the words and figures following, to-wit:

HENRIETTA S. CHRISTOPHER ET AL.
*vs.*
JOSEPH W. NORVELL, Receiver. } No. 1414.

This cause came on to be heard on the transcript of the record from the circuit court of the United States for the southern district of Florida, and was argued by counsel.

On consideration whereof, it is now here ordered and adjudged by this court that the judgment of the said circuit court in this cause be, and the same is hereby affirmed.

It is further ordered and adjudged that the plaintiffs in error, Henrietta S. Christopher and John G. Christopher, and the sureties on the writ of error bond herein, George W. Parkhill and Jos. H. Crosby, be condemned to pay the costs of this cause in this court, for which execution may be issued out of said circuit court.

Jan. 24, 1905.

41 And thereafter on February 16, 1905, an order of said circuit court of appeals staying the issuance of mandate, was entered in said cause in words and figures following, to-wit:

Order Staying Mandate.

HENRIETTA S. CHRISTOPHER
*vs.*
JOSEPH W. NORVELL, Receiver. } No. 1414.

Ordered that the issuance of mandate in this cause be, and it is hereby stayed for ten days.

42 In the United States Circuit Court of Appeals, 5th Circuit.

JOSEPH W. NORVELL, as Receiver,
*vs.*
HENRIETTA S. CHRISTOPHER & JOHN G. CHRISTOPHER.

Petition for Writ of Error to the Supreme Court of the United States.

Come now the defendants, Henrietta S. Christopher and John G. Christopher, defendants in the above entitled cause, who feeling

themselves aggrieved by the findings and judgment of the circuit court of the United States in and for the southern district of Florida, pronounced and rendered on the 6th day of July 1904, and the judgment upon a writ of error from said judgment to and by the United States circuit court of appeals in and for the 5th circuit, pronounced and rendered on the 24th day of January, A. D. 1905, affirming the judgment of said circuit court of the United States, and petition said circuit court of appeals for an order allowing the said defendants to prosecute a writ of error to the Supreme Court of the United States under and according to the laws of the United States in that behalf made and provided;

And that an order may be made fixing the amount of security these petitioners defendants shall give and furnish upon the said writ of error;

And that upon the giving of the same all further proceedings of said circuit court of appeals and the said circuit court of the United States be stayed and suspended until the determination of said writ of error by the Supreme Court of the United States aforesaid; and your petitioners will ever pray, etc.

H. H. BUCKMAN,
Attorney for Defendants, Petitioners.

The foregoing has the following endorsements, to-wit:
No. 1414. In United States circuit court of appeals, 5th circuit. Joseph W. Norvell, receiver etc. *vs.* Henrietta S. Christopher & John G. Christopher. Petition for writ of error. U. S. circuit court of appeals. Filed Feb. 28, 1905, Charles H. Lednum, clerk.

43 Assignments of Error.

In the Supreme Court of the United States.

JOSEPH W. NORVELL, Receiver, etc.,
*vs.*
HENRIETTA S. CHRISTOPHER & JOHN G. CHRISTOPHER.

Come now Henrietta S. Christopher and John G. Christopher, defendants in the above entitled cause named and file the following assignments of error upon which they will rely upon their prosecution of the writ of error prayed for and taken herein to the Supreme Court of the United States, to-wit:

I.

That the United States circuit court of appeals in and for the 5th circuit erred in rendering judgment of affirmance of the judgment rendered by the circuit court of the United States in and for the southern district of Florida, which said judgment was a personal money judgment against Henrietta S. Christopher, a married woman, resident and citizen of the State of Florida in a proceeding at law prohibited by the constitution and laws of the said State;

II.

That said United States circuit court of appeals in and for the 5th circuit erred in not rendering a judgment, reversing the judgment of the circuit court of the United States in and for the southern district of Florida, said lower court being without jurisdiction to render such judgment against the defendant Henrietta S. Christopher in the State of Florida, she being then and there a married woman, and the same being in a proceeding at law governed by the laws, rules and procedure in force in said State which prohibits the same;

III.

That the defendant Henrietta S. Christopher being a married woman, a resident and citizen of the State of Florida and
44 under the common law disabilities still existing by the constitution and laws of said State in which said alleged liability accrued, said proceedings were instituted, and said judgment rendered, was not in contemplation of the law, or within the meaning of the acts of Congress known as the national banking act, a shareholder in the First National Bank of Florida within the contemplation of the liability clause of the said act, so as to render her personally, or her property, which by the constitution of Florida is declared her separate estate, liable to an assessment under such act upon any shares of stock owned by her at the time of the insolvency of the said bank and appointment of its receiver, and the said circuit court of the United States for the southern district of Florida, committed reversible error in rendering such judgment against her therefor, and said circuit court of appeals in affirming the same;

IV.

That said suit being a proceeding at law and brought in the State of Florida, was controlled by the rules and practice in proceedings at law prescribed by the laws of that State under its constitution which absolutely prohibits and declares null and void any personal money judgment against a married woman; the constitution of which State prohibiting the taking or sequestration of her property which it declares is her separate estate by such means, and the said defendant, Henrietta S. Christopher having pleaded her status and disability as fixed by said constitution and laws, in the said suit, the rendition of the judgment against her therein which is a personal money judgment, by said court and its affirmance by the said — court of appeals was error in the same, being in conflict with the constitution and laws of the State of Florida and the Constitution and laws of the United States and therefore, void.

Wherefore, the said defendants Henrietta S. Christopher and John G. Christopher as plaintiffs in error pray that the judgment of the said circuit court of the United States in and for the
45 southern district of Florida and of the said circuit court of appeals for the 5th circuit affirming the same, be reversed

and that such directions be given that full force and efficacy may enure to these defendants by reason of the defense set up by them in their pleadings in said cause and under the law governing the same.

H. H. BUCKMAN,
Attorney for Defendants & Plaintiffs in Error.

The foregoing has the following endorsements, to-wit:
No. 1414. In the Supreme Court of the United States. Joseph W. Norvell, receiver, etc. *vs.* Henrietta S. Christopher & John G. Christopher. Assignments of error. U. S. circuit court of appeals. Filed Feb. 28, 1905, Charles H. Lednum, clerk.

46 In the Circuit Court of Appeals of the United States, 5th Circuit.

JOSEPH W. NORVELL, Receiver, etc.,
*vs.*
HENRIETTA S. CHRISTOPHER & JOHN G. CHRISTOPHER.

Know all men by these presents: That we Henrietta S. Christopher and John G. Christopher as principals, and R. G. Ross — Joseph H. Crosby as sureties are held and firmly bound unto Joseph W. Norvell as receiver of the First National Bank of Florida and his successor in office in the sum of two thousand dollars ($2000) for the payment of which well and truly to be made, we bind ourselves, our heirs, executors and administrators jointly and severally, firmly by these presents;

Signed and sealed with our seals this 23rd day of February, A. D. 1905.

The condition of the above obligation is such that whereas on the 6th day of July, A. D. 1904, the above named Joseph W. Norvell, as receiver of the First National Bank of Florida, recovered a judgment against the above bounden Henrietta S. Christopher in the circuit court of the United States for the southern district of Florida, for the sum of sixteen hundred and sixty dollars ($1660) and the said Henrietta S. Christopher and John G. Christopher being dissatisfied with said judgment and having prayed for and taken their writ of error therefrom to the circuit court of appeals of the United States for the 5th circuit; and the said circuit court of appeals having affirmed the said judgment and the said Henrietta S. Christopher and John G. Christopher being dissatisfied with the same and the judgment of the said court of appeals, have prayed for and been allowed a writ of error to the Supreme Court of the United States.

Now if the said Henriette S. Christopher and John G. Christopher shall prosecute such writ of error to effect and if they fail to
47 make good their plea and the said judgment be affirmed by the said Supreme Court, shall pay the same and shall answer

all damages and costs, then this obligation to be void, else to remain in full force and virtue.

JOHN G. CHRISTOPHER. [SEAL.]
HENRIETTA S. CHRISTOPHER. [SEAL.]
R. G. ROSS. [SEAL.]
JOSEPH H. CROSBY. [SEAL.]

STATE OF FLORIDA, County of Duval, } ss:

Personally appeared before me R. G. Ross — Joseph H. Crosby who being each duly sworn, say that they are worth in property in this the southern district of Florida and said State, the sum of two thousand dollars over and above all debts and exemptions allowed by law.

R. G. ROSS.
JOSEPH H. CROSBY.

Sworn to and subscribed before me this 24 day of February, A. D. 1905.

W. D. DE COTTES,
[SEAL.] Notary Public, State of Florida at Large.

Commission expires July 10, 1906.

Approved by me this 28th day of February, A. D. 1905, as a supersedeas bond.

DON A. PARDEE,
United States Circuit Judge.

The foregoing has the following endorsements, to-wit: No. 1414. In circuit court of appeals of the U. S. 5th circuit. Joseph W. Norvell *vs.* Henrietta S. Christopher, *et al.* Supersedeas bond. U. S. circuit court of appeals. Filed Feb. 28, 1905, Charles H. Lednum, clerk.

48 United States Circuit Court of Appeals for the Fifth Circuit.

I, Charles H. Lednum, clerk of the United States circuit court of appeals for the fifth circuit, do hereby certify that the foregoing 48 pages, numbered from A to 47, inclusive, contain a true copy of the record and of the assignment of errors, and of all proceedings, in the case of Henrietta S. Christopher, *et al.*, plaintiffs in error, *versus* Joseph W. Norvell, receiver, defendant in error, No. 1414, as the same remains upon the files and records of said United States circuit court of appeals.

In testimony whereof, I hereunto subscribe my name and affix the seal of said United States circuit court of appeals, at the city of New Orleans, Louisiana, this 7th day of March, A. D. 1905.

[Seal United States Circuit Court of Appeals, Fifth Circuit.]

CHARLES H. LEDNUM,
Clerk of the United States Circuit Court
of Appeals for the Fifth Circuit.

49 UNITED STATES OF AMERICA, ss:

The President of the United States to the honorable the judges of the circuit court of appeals of the United States for the fifth judicial circuit, Greeting:

Because in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said circuit court of appeals of the United States, before you, or some one of you, between Henrietta S. Christopher and John G. Christopher, plaintiffs in error, and Joseph W. Norvell, as receiver of the First National Bank of Florida, defendant in error, a manifest error hath happened, to the great damage of the said Henrietta S. Christopher and John G. Christopher, plaintiffs in error, as by their complaint appears. We being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then under your seal, distinctly and openly, you send the record and proceedings aforesaid with all things concerning the same to the Supreme Court of the United States, together with this writ, so that you have the same at Washington, District of Columbia, in not exceeding thirty days from the 28th day of February, 1905, being the date of the issuance of the citation herein, in the Supreme Court of the United States, to be then and there held, that the record and proceedings aforesaid being inspected, the said Supreme Court of the United States may cause further to be done therein to correct that error, what of right, and according to the laws and customs of the United States should be done.

Witness the Honorable Melville W. Fuller, Chief Justice of the United States, the 28th day of February, in the year of our Lord one thousand nine hundred and five.

[Seal United States Circuit Court of Appeals, Fifth Circuit.]

CHARLES H. LEDNUM,
Clerk of the United States Circuit Court of Appeals.

Allowed by
DON A. PARDEE,
United States Circuit Judge.

It is hereby certified a this copy of this writ is this day lodged in the clerk's office for the use of the defendant in error, 28th day of February, 1905.

CHARLES H. LEDNUM, Clerk.

50 [Endorsed:] No. 1414. Henrietta S. Christopher, *et al.*, *vs.* Joseph W. Norvell, receiver. Writ of error. U. S. circuit court of appeals, Filed Feb. 28 1905 Charles H. Lednum, clerk.

51 UNITED STATES OF AMERICA, ss:

The President of the United States to Joseph W. Norvell, receiver of the First National Bank of Florida, and Duncan U. Fletcher, his attorney of record, Greeting:

You are hereby cited and admonished to be and appear at the Supreme Court of the United States, to be held at the city of Washington, District of Columbia, within thirty days from the date of this writ, pursuant to a writ of error filed in the clerk's office of the circuit court of appeals of the United States for the fifth judicial circuit, wherein Henrietta S. Christopher and John G. Christopher are plaintiffs in error, and Joseph W. Norvell, receiver of the First National Bank of Florida, is defendant in error, to show cause, if any there be, why the judgment in said writ of error mentioned should not be corrected, and speedy justice should not be done to the parties in that behalf.

Witness, the Honorable Melville W. Fuller, Chief Justice of the United States, this 28th day of February, A. D. 1905.

DON A. PARDEE,
United States Circuit Judge.

52 [Endorsed:] Service accepted this March 3–1905—without prejudice or waiver of right to object to procedure. Jos. W. Norvell receiver 1st Nat. Bank Florida. D. U. Fletcher attorney receiver 1st Nat. Bank Florida. U. S. circuit court of appeals. Filed Mar. 6–1905. Charles H. Lednum clerk.

Endorsed on cover: File No. 19,679. U. S. circuit court of appeals, 5th circuit. Term No. 211. Henrietta S. Christopher and John G. Christopher, plaintiffs in error, *vs.* Joseph W. Norvell, receiver of the First National Bank of Florida. Filed March 23d, 1905. File No. 19,679.